

KUTAK ROCK LLP

Loc Pfeiffer (VSB No. 39632)
1111 East Main Street, Suite 800
Richmond, Virginia 23219
Telephone: (804) 644-1700
Facsimile: (804) 783-6192
loc.pfeiffer@kutakrock.com

Counsel for Keith L. Phillips, Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE: MICHAEL B. AND NANCY P. PETERSON,

Debtors.

Case No. 10-30016-DOT
Chapter 7

MOTION TO EXAMINE DEBTORS PURSUANT TO RULE 2004

Keith L. Phillips, Trustee for the Bankruptcy Estate (the “Trustee”) of Michael B. and Nancy P. Peterson (collectively the “Debtors”) moves to examine the Debtors pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, and states the following in support thereof:

1. The Trustee needs to examine the Debtors to determine the nature of their assets and liabilities. Specifically, the Trustee is obligated to examine the Debtors more fully to determine the nature and details of their interests in certain items of real and personal property included in the schedules including, but not limited to, the interests in the “father’s estate,” “Harmony Park, Inc.,” and the “Comstock Oil & Gas lease.” Debtors have listed the value of its interest in the father’s estate as \$1.00 and listed the value of its interest in Harmony Park, Inc. and the Comstock Oil & Gas lease as unknown. The Trustee seeks to determine the actual value of these assets.

2. The examination relates to acts, conduct, or property or to the liabilities and financial condition of the Debtors, or any matter that may affect the administration of his bankruptcy estate pursuant to Rule 2004.

3. The Trustee also requests the Court to compel the Debtors to produce the documentary evidence set forth in **Exhibit 1**.

WHEREFORE, the Trustee requests the Court to authorize him to examine the Debtors, to compel them to produce documentary evidence as requested herein, and to award any further relief the Court deems proper.

KEITH L. PHILLIPS, TRUSTEE

By: /s/ Loc Pfeiffer
Counsel

KUTAK ROCK LLP
Loc Pfeiffer (VSB No. 39632)
1111 East Main Street, Suite 800
Richmond, VA 23219-3500
804-644-1700
Counsel for Keith L. Phillips, Trustee

NOTICE OF MOTION

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the Court to grant the relief sought in the motion, you must do the following:

1. You must file with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 2004-1 *not later than seven days after the service of this notice*:

Clerk of the Court
United States Bankruptcy Court
1100 East Main Street
Richmond, Virginia 23219

2. You must also mail a copy to:

Loc Pfeiffer, Esquire
KUTAK ROCK LLP
1111 East Main Street, Suite 800
Richmond, Virginia 23219

Office of the United States Trustee
701 E. Broad Street
4th Floor
Richmond, VA 23219

3. No hearing is scheduled at this time. You will receive separate notice if a hearing is scheduled. If you fail to file timely a written response, the Court may consider any objection you may have waived and enter an Order granting the relief requested in the Motion.

CERTIFICATE OF SERVICE

Pursuant to the Local Rules of this Court, I hereby certify under penalty of perjury that on April 13, 2010, a true and correct copy of the foregoing was served via the Court's ECF system on the Debtors' counsel, as well as to all registered participants, which includes the U.S. Trustee. Also a true and correct copy of the foregoing was served via first class mail on the debtors as follows.

Debtors:

Michael B. and Nancy P. Peterson
13209 Harmony Lane
King George, VA 22485

/s/ Loc Pfeiffer

Counsel

EXHIBIT 1:

DEFINITIONS AND INSTRUCTIONS

1. The term “document” means any written or graphic matter or other means of preserving thought or expression and all tangible things from which information can be processed or transcribed, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, telegrams, teletype, telefax, bulletins, meetings or other communications, interoffice and intra-office telephone calls, diaries, chronological data, minutes, books, reports, studies, summaries, pamphlets, printed matter, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, statements, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, microfiche, microfilm, videotape, records and motion pictures) and electronic, mechanical or electric records or representations of any kind (including without limitation tapes, cassettes, discs and records).

2. If you choose to withhold any documents from production on the grounds of privilege or the like, you must, in addition to identifying the documents so withheld, provide a privilege log or schedule containing for each such document:

- (a) a description of the type and contents of each such document claimed to be privileged and its date and current custodian and present location;
- (b) the name, occupation and capacity of the document's author;
- (c) the name, occupation and capacity of the each addressee of the document;
- (d) the name, occupation and capacity of each other person who obtained the document or a copy thereof or to whom the document was disseminated or who was informed of the document's contents; and
- (e) the privilege(s) claimed and, for each privilege claimed, a statement of the factual basis for applicability of the privilege.

DOCUMENTS TO BE PRODUCED

1. All documents relating to your inheritance interest in your father's estate.
2. All documents relating to your interest in Harmony Park, Inc.
3. All documents relating to your interest in a Comstock Oil & Gas lease.
4. Tax returns for 2007, 2008 and 2009, including any amendments, schedules and/or revisions made thereto.
5. All documents reviewed or relied upon in preparing the bankruptcy petition.